

DEPARTMENT OF SOCIAL SERVICES



December 20, 1982

ALL-COUNTY LETTER NO. 82-127  
ALL FSD LETTER NO. 82-36

TO: ALL COUNTY WELFARE DIRECTORS  
ALL COUNTY WELFARE DEPARTMENTS  
ALL DISTRICT ATTORNEYS  
ALL FAMILY SUPPORT DIVISIONS

SUBJECT: AFDC - CHILD SUPPORT GOOD CAUSE REGULATIONS

REFERENCE:

Pursuant to a recent court case (Alma v. Woods) in which the plaintiffs have challenged county procedures for determining whether AFDC applicants/recipients have "good cause" for refusing to cooperate with child support enforcement efforts, this letter restates the Department's policy regarding good cause practices and procedures. (Also, please see ACL 79-15, ACINs I-8-79 and I-16-78 and FSD 79-31).

Under Manual of Policies and Procedures (MPP) Section 43-107, the responsibility for good cause determinations rests with the County Welfare Department (CWD). While the CWD may contract with the District Attorney (DA) to investigate good cause claims, it may not delegate its duty to determine the validity of good cause claims. The investigation of good cause claims is an IV-A function whether it is done by the CWD or the DA, and as such it is subject to IV-A claiming standards. When good cause investigations are to be done by the DA, there must be a Department of Social Services approved agreement to that effect. In addition, expenditures incurred for such activities are subject to the availability of state funds within your current AFDC allocation.

No applicant/recipient who claims good cause should be referred to the DA for child support enforcement activity until there has been a final disposition of the good cause claim.

County supervisory personnel are to review and approve or disapprove good cause determinations. Prior to making a final determination, the CWD shall give the DA an opportunity to review and comment on the findings and the basis for the proposed final determination. The DA is to be given an opportunity to participate as a witness in any state hearing regarding the good cause determination.

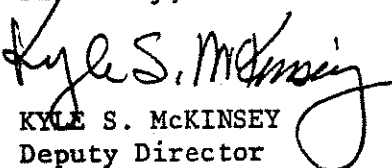
If the CWD determines that good cause exists, the CWD shall also determine whether child support activities may proceed without that caretaker relative's cooperation without risk of harm to the child or caretaker relative. The DA shall be given an opportunity to review and comment on the proposed determination, and recommendations made are to be considered by the CWD. As with good cause determinations, the DA is to be given an opportunity to participate as a witness in any subsequent, related state hearings.

Attached is a checklist entitled "Good Cause Checklist for Eligibility Workers" to assist in processing good cause claims. It is being provided as a convenient guide and may be used in conjunction with other pertinent material such as the CA 51. It may also be kept in the applicant's file as a permanent record of the good cause determination.

We are also revising the CA 2.1 (Child Support Notice and Agreement/Your Right to Claim Good Cause) to highlight the right to claim good cause and the fact that no child support enforcement activities will be pursued pending a good cause determination. The revised CA 2.1 will be sent to the CWDs by a separate All County Information Notice.

If you have any questions about "good cause" determinations, please contact your AFDC Management Consultant at (916) 445-4458.

Sincerely,

  
KYLE S. McKINSEY  
Deputy Director

Attachment

cc: CWDA

**GOOD CAUSE CHECK LIST FOR EWS**

Name of claimant \_\_\_\_\_

Name of EW \_\_\_\_\_

Check off as completed with date:

**Date**

1. Applicant/recipient has read and understands both sides of form CA 2.1 - "Child Support Notice and Agreement/Your Right to Claim Good Cause." \_\_\_\_\_
2. Applicant/recipient has been furnished with one copy of form CA 2.1. \_\_\_\_\_

If Applicant/recipient claims Good Cause:

3. Claimant's statement regarding Good Cause taken: \_\_\_\_\_
4. Claimant told that child support enforcement activities shall be deferred or suspended until a final determination regarding the Good Cause claim has been made by the CWD. \_\_\_\_\_
5. Claimant told to bring in corroborating evidence such as are listed on the back of form CA 2.1 or in EAS. \_\_\_\_\_
6. Claimant told that written statements from persons who know the circumstances of the Good Cause claim should end with "I declare under penalty of perjury that the above is true and correct", and a date and signature. \_\_\_\_\_
7. Contact with the absent parent or putative father has been determined to be necessary and claimant has been informed prior to the contact pursuant to California DSS Manual EAS 43-107.445. \_\_\_\_\_
8. Claimant granted aid (if otherwise eligible). \_\_\_\_\_
9. Claimant provided corroborating evidence. \_\_\_\_\_
10. Claim approved. \_\_\_\_\_

-or-

Claimant told to bring more specific information. \_\_\_\_\_

-or-

Investigation conducted. \_\_\_\_\_

11. All evidence regarding Good Cause reviewed; proposed decision made based on standards in California DSS Manual EAS 43-107.4 - 43-107.46. \_\_\_\_\_
12. If Good Cause is found, determine whether child support enforcement can proceed without the cooperation of the caretaker relative and whether it would be in the best interests of the child and whether child support enforcement could proceed without risk of harm to the child or caretaker relative. \_\_\_\_\_
13. Copy of Good Cause decision together with findings and basis for the decision forwarded to the District Attorney via CA 51 for comment and review. \_\_\_\_\_
14. D.A.'s comments reviewed. \_\_\_\_\_
15. Final Good Cause determination made pursuant to the standards in California DSS Manual EAS 43-107.4 - 43-107.46, and based on claimant's statement, all the corroborating evidence, District Attorney comments and the results of any independent investigation. \_\_\_\_\_
16. Notice of final decision sent to claimant. \_\_\_\_\_
17. If Good Cause is not found or it was determined the child support enforcement can proceed without caretaker's cooperation claimant decided to:
  - a. Ask that case be closed. \_\_\_\_\_
- or-
- b. Allow sanctions to be imposed (explain that child support enforcement will proceed without his/her cooperation). \_\_\_\_\_
- or-
- c. Cooperate with child support enforcement. \_\_\_\_\_
18. Inform D.A. of final Good Cause decision. \_\_\_\_\_
19. Good Cause claim withdrawn. \_\_\_\_\_

Reason: \_\_\_\_\_